



Austin City Council MINUTES

REGULAR MEETING
THURSDAY, FEBRUARY 11, 1999

Mayor Pro Tem Goodman called the meeting to order at 2:35 p.m. noting the absence of Mayor Watson.

1. Approval of Minutes for Regular Meetings of February 3 & 4, 1999
Approved on Council Member Garcia's motion, Council Member Spelman's second, 6-0 vote.
Mayor Watson was absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Thomas Alexander – Discuss Homeless Citizens/No Camping Ordinance
3. Richard R. Troxell – Discuss Austin's Homeless Citizens – **Absent**
4. Dr. Bud Dryden – Discuss Letter dated December 14, 1998 from Inspection Services Development Division and Inspector Department
5. Thalia Snyder – Discuss information from staff UTC problem
6. Gus Pena – Discuss City Health Clinics and City Issues
7. Ben Ogbodiegwu – Discuss A Parable of the Talents
8. Jon Empey – Discuss Bergstrom Open Air Market and Watershed Protection Statutory Authority
9. Rolando Pina – Discuss status I.N.S. Detention Facility Relocation away from Galindo Elementary Neighborhood Association (GENA) to proper area
10. Eleanor Thompson – Special Thanks to Council
11. Jennifer L. Gale – Communications – **Absent**

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZEN COMMUNICATIONS: CONSENT AGENDA

ACTION ON CONSENT AGENDA

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve a resolution authorizing the acceptance of \$20,980 in grant funding from the CAPITAL AREA PLANNING COUNCIL; amend Ordinance 980915-A, 1998-99 Operating Budget, amending the Solid Waste Services Special Revenue Fund, by increasing grant funding and grant expenditures by \$20,980 for a YardWise public education program. (Funding is available from the Capital Area Planning Council for the grant period of October 1, 1998, through September 30, 1999. An inkind match of \$4,746 is included in the 1998-99 Operating Budget of the Solid Waste Services Department.) [Recommended by Solid Waste Advisory Commission]
Resolution No. 990211-12 approved on Council Member's Spelman's motion, Council Member Garcia's second, 6-0 vote. Mayor Watson was absent.

13. Approve a resolution authorizing execution of a contract with L & R LANDSCAPE SERVICES, INC., (DBE/FR), Austin, Texas for Entry, Exit and Parking Lot Landscape Construction at Austin-Bergstrom International Airport, in the amount of \$3,480,825 plus a contingency fund of \$243,175 for a total ontract amount not to exceed \$3,724,000 which includes the base bid, alternate #3, and contingency. (Funding in the amount of \$3,724,000 is included in the 1998-99 Capital Budget for Aviation.) Low responsive bid of four. DBE Prime participation: 73.81%; 0% M/WBE Subcontractor participation. [Recommended by Airport Advisory Board]
Resolution No. 990211-13 approved on Council Member Lewis' motion, Council Member Slusher's second, 5-0 vote. Council Member Spelman was off the dais. Mayor Watson was absent.

Financial Services

14. Approve a resolution authorizing execution of a twelve month supply agreement with GIFFORD HILL & CO., Austin, Texas, for the purchase of reinforced concrete pipe for the Stormwater Division of Watershed Protection Department, in an amount not to exceed \$174,263.28 with two twelve-month extension options in an amount not to exceed \$174,263.28 per extension for a total contract amount not to exceed \$522,789.84. (Funding in the amount of \$116,176 was included in the 1998-99 Operating Budget for the Watershed Protection Department. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Single bid. No M/WBE Subcontracting opportunities were identified.
Resolution No. 990211-14 approved on Council Member Spelman's motion, Council Member Lewis' second, 6-0 vote. Mayor Watson was absent.

15. Approve a resolution authorizing execution of Amendment No. 1 with WEIDNER CONSULTING, Des Moines, IA, for training and facilitation services to assist the City in developing department business plans, in the amount of \$77,500 for a total contract amount of \$100,472. (Funding in the amount of \$77,500 is available in the 1998-99 Operating Budget for the Financial and Administrative Department.) 12% MBE, 0% WBE Subcontracting participation.
Resolution No. 990211-15 approved on Council Member Lewis' motion, Council Member Spelman's second, 4-0 vote. Council Members Garcia and Slusher were off the dais. Mayor Watson was absent.

Health

16. Approve a resolution authorizing negotiation and execution of twelve month contracts with eight agencies for HIV services under the Ryan White Title I HIV Emergency Care grant: INTERFAITH CARE ALLIANCE, in an amount not to exceed \$63,700; ALLGO/Informe SIDA, in an amount not to exceed \$69,525; AIDS Services of Austin, in an amount not to exceed \$915,520; A/TC MHMR C.A.R.E., in an amount not to exceed \$309,254; HIV Wellness Center, in an amount not to exceed \$112,440; WATERLOO COUNSELING CENTER, in an amount not to exceed \$113,750; PEDIATRIC AIDS LEAGUE, in an amount not to exceed \$45,500; and PROJECT TRANSITION, INC., in an amount not to exceed \$241,150. (Funding is available in the Health and Human Services Department Special Revenue Fund Ryan White Title 1 HIV Emergency Care grant program. Grant period is 3/1/99 to 2/29/00. Contract performance period is 3/1/99 to 2/29/00.)
Resolution No. 990211-16 approved.

17. Approve an ordinance authorizing acceptance of an additional \$318,509 in grant funds from the United States Department of Health and Human Services, Ryan White Title 1 HIV Emergency Care grant program; amend Ordinance 980915-A, the 1998-99 Operating Budget, by appropriating an additional \$318,509 in grant funds for the Health and Human Services Department Special Revenue Fund for a total grant amount of \$3,175,509. (Funding in the amount of \$318,509 is available from the United States Department of Health and Human Services, Ryan White Title 1 HIV Emergency grant. Grant period is 3/1/99 to 2/29/00. A City Match is not required.)
Ordinance No. 990211-A approved.

Items 16 and 17 approved on Council Member Spelman's motion, Council Member Lewis' second, 6-0 vote. Mayor Watson was absent.

Parks and Recreation

18. Approve a resolution authorizing execution of a construction contract with SECURITY LINK, Austin, Texas, for the fire alarm system improvements at the Dougherty Arts Center, the Hancock Recreation Center, and the South Austin Recreation Center, in the amount \$151,673. (Funding is available in the 1997-98 Amended Capital Budget of the Parks and Recreation Department.) Single bid. 0% MBE; 43.18% WBE Subcontracting participation.
Resolution 990211-18 approved on Council Member Lewis' motion, Council Member Spelman's second, 4-0 vote. Council Members Garcia and Slusher were off the dais. Mayor Watson was absent.

Convention Center

19. Approve a resolution authorizing negotiation and execution of a professional services agreement with EDAW INC., Denver, CO., for Phase I design services of the Town Lake Park Master Plan, in an amount not to exceed \$150,000. (Funding was included in the 1998-99 Amended Capital Budget of the Convention Center.) Best proposal of three. 8.2% MBE, 18.2% WBE Subcontracting participation.
Resolution No. 990211-19 approved on Council Member Slusher's motion, Council Member Lewis' second 6-0 vote. Mayor Watson was absent.

20. Approve a resolution authorizing negotiation and execution of a professional services agreement with the Joint Venture of BARNES ARCHITECTS, INC., ALAN Y. TANIGUCHI ARCHITECT & ASSOCIATES, INC. (MBE/MA) and CENTERBROOK ARCHITECTS AND PLANNERS, Austin, Texas, for Phase I design and Phase II construction administration of the Town Lake Community Events Center, in an amount not to exceed \$2,900,000. (Funding was included in the 1998-99 Amended Capital Budget of the Convention Center Department.) Best proposal of nine. 14% MBE, 20.1% WBE Subcontracting participation.
Resolution No. 990211-20 approved on Council Member Slusher's motion, Council Member Lewis' second 5-0-1 vote. Mayor Watson was absent. Council Member Griffith abstained to avoid the appearance a potential conflict of interest.

Development Review & Inspection

21. C14-98-0135 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code zoning property locally known as 13400 N. US Hwy 183 from "GR" Community Commercial and "I-RR" Interim Rural Residence to "GR-CO", Community Commercial – Conditional Overlay district zoning with conditions. First reading on December 3, 1998; Vote 6-0, Lewis absent. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: Synergy Center, LTD. Agent: Craig Overmiller. City Staff: David Wahlgren, 499-6455.
Ordinance No. 990211-B approved on Council Member Spelman's motion, Council Member Lewis' second, 6-0 vote. Mayor Watson was absent.
22. C14-98-0078 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 2009 West Fort View Road, 2011 West Fort View Road, 2024 West Ben White Blvd., and 2026 West Ben White Blvd. from SF-3, Family Residence, to NO-CO, Neighborhood Office-Conditional Overlay district zoning conditions. First reading on November 5, 1998; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. Applicant: Maria Garcia, Tauhlee Watts & John Gustafson; Agent: J. B. Goodwin Company (Mike Jones). City Staff: Susan Villarreal, 499-6319. (Continued from 2-4-99)
Postponed indefinitely.
23. C14-98-0138 – Amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2101 North Lamar Boulevard from "LO", Limited Office to "MF-3", Multi-Family Residence (medium density). Planning Commission Recommendation: To Grant "MF-3-CO", Multi-Family Residence (medium density)-Conditional Overlay District zoning with conditions. Applicant/Agent: Ronald Scharfe. City Staff: Don Perryman, 499-2786. Note: A valid petition has been filed in opposition to this rezoning request. Public Hearing Closed. (Continued from 1/7/99)
Postponed to February 25, 1999 at applicant's request.

Water and Wastewater

24. Approve a resolution authorizing execution of a twelve month supply agreement with MUNICIPAL PIPE & FABRICATING, Austin, Texas for the purchase of approximately 300 fire hydrants for the Water and Wastewater Utility in an amount not to exceed \$211,556 with two twelve-month

extensions options in an amount not to exceed \$211,556 per extension option for a total contract amount not to exceed \$634,668. (Funding in the amount of \$123,408 was included in the 1998-99 Operating Budget of the Water & Wastewater Utility. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets. Low bid of three. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)
Resolution No. 990211-24 approved.

25. Approve a resolution authorizing execution of a contract with AMERICAN SIGMA % WINGO EQUIPMENT CO., The Woodlands, Texas, for the purchase of bubbler and area velocity flow meters for use by the Water and Wastewater Utility in the amount of \$57,325. (Funding was included in the 1998-99 Operating Budget for the Water and Wastewater Utility.) Low bid of two. No W/MBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)
Resolution No. 990211-25 approved.

ITEMS FROM COUNCIL

26. Approve a resolution creating a City of Austin Census 2000 Complete Count Committee. (Council Members Willie Lewis, Gus Garcia, and Mayor Kirk Watson)
Resolution No. 990211-26 approved.
27. Approve a joint resolution with AISD regarding Community Education Initiatives. (Council Member Gus Garcia and Mayor Pro Tem Jackie Goodman)
Postponed to February 25, 1999.
28. Approve a resolution directing the City Manager to assist the Austin Metropolitan Business Opportunities Committee's efforts to obtain federal matching funds for minority business assistance. (Council Member Willie Lewis)
Resolution No. 990211-28 approved.
29. Approve an ordinance amending Chapter 8-3 of the City Code regarding the sale of alcoholic beverages within a certain proximity of day-care centers or child-care facilities. (Council Member Gus Garcia, Mayor Pro Tem Jackie Goodman, and Council Member Beverly Griffith)
Ordinance No. 990211-C approved.

Items 24 through 29 approved on Council Member Spelman's motion, Council Member Lewis' second, 6-0 vote. Mayor Watson was absent.

Council recessed from 4:26 p.m. to 4:30 p.m. on Council Member Spelman's motion, Council Member Griffith's second, 4-0 vote. Council Members Garcia and Slusher were off the dais. Mayor Watson was absent.

4:30 P.M. - ZONING HEARINGS AND APPROVAL ORDINANCES

30. C14-98-0158 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 7100 & 7104 McNeil Drive from “I-RR”, Interim-Rural Residence District, to “LI”, Limited Industrial Services zoning. Planning Commission Recommendation: To Grant “SF-2”, Single Family Residence (standard lot) zoning for Tract 1, “SF-4A” Single Family Residence (small lot) zoning for Tract 2, and “LR-CO”, Neighborhood Commercial-Conditional Overlay district zoning for Tract 3, with conditions. Applicant: D.I.I., Inc. (Frank Greenberg); Agent: Jim Bennett. City Staff: David Wahlgren, 499-6455.
Postponed to March 25, 1999 on Council Members Lewis’ motion, Council Member Garcia’s second, 5-0 vote. Council Member Spelman was off the dais. Mayor Watson was absent.
31. C14-98-0199 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 13175 Research Blvd. from “GR”, Community Commercial and “I-RR”, Interim-Rural Residence to “GR-CO”, Community Commercial-Conditional Overlay zoning. Planning Commission Recommendation: To Grant “GR-CO”, Community Commercial-Conditional Overlay district zoning with conditions. Applicant: Woods Manderas, Ltd; Agent: Griffin Engineering Group, Inc. (Gregory Griffin, PE). City Staff: David Wahlgren, 499-6455.
Ordinance No. 990211-D was approved as recommended by Planning Commission on Council Member Garcia’s motion, Council Member Lewis’ second, 5-0 vote. Council Member Spelman was off the dais. Mayor Watson was absent.

Council recessed from 4:41 to 5:14 p.m. on Council Member Garcia’s motion, Council Member Griffith’s second, 5-0 vote. Council Member Spelman was off the dais. Mayor Watson was absent.

PUBLIC HEARINGS

32. 6:00 P.M. - Public hearing on an ordinance amending Chapter 13-2 of the City Code by amending Article VII: Sign Regulations, as it relates to off-premise non-conforming signs.
Closed public hearing on Council Member Lewis’ motion, Council Member Slusher’s second, 6-0 vote. Mayor Watson was absent.
33. 6:30 P.M. - Public hearing on implementation of certain energy conservation measures and to increase usage of renewable energy in the utility generation mix.
Closed public hearing on Council Member Garcia’s motion, Council Member Slusher’s second, 6-0 vote. Mayor Watson was absent.
34. 7:00 P.M. - Public hearing on an ordinance regulating the installation or use of on-site sewage facilities in the City for the purpose of the City becoming an authorized agent of the Texas Natural Resource Conservation Commission for the regulation of on-site sewage facilities
Closed public hearing on Council Member Spelman’s motion, Council Member Garcia’s second, 6-0 vote. Mayor Watson was absent.

ACTION ON PUBLIC HEARINGS

35. Approve an ordinance amending Chapter 13-2 of the City Code by amending Article VII: Sign Regulations, as it relates to off-premise non-conforming signs (Billboards). City Staff: Gregory Guernsey, 499-2387.
Postponed to February 25, 1999.
36. Approve a resolution authorizing implementation of certain energy conservation measures and to increase usage of renewable energy in the utility generation mix. (Funding is available in the 1998-99 Operating Budget for the Electric Utility Department for conservation measures. If expenditures for the 1998-99 Fiscal Year are required for renewables, a budget amendment will be required. Funding for future years is contingent upon available funding in future budgets.) [Recommended by Electric Utility Commission]
Resolution No. 990211-36 was amended and approved to include the two amendments proposed by Mr. Robbins on Council Member Garcia's motion, Mayor Pro Tem Goodman's second, 6-0 vote. Mayor Watson was absent.
37. Approve an ordinance regulating the installation or use of on-site sewage facilities in the City for the purpose of the City becoming an authorized agent of the Texas Natural Resource Conservation Commission for the regulation of on-site sewage facilities. (No fiscal impact.)
Ordinance No. 990211-E was approved on Council Member Spelman's motion, Council Member Garcia's second, 6-0 vote. Mayor Watson was absent. In addition, wording was read into the record for a resolution that will state why Council is taking this action now and describe their interest in proposing different standards within the next 120 days to provide maximum protection for the safety and welfare of Austin's citizens. The adoption of the ordinance is an interim measure only.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session held 12:25 p.m. - 1:50 p.m.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda.

The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

38. Discuss legal issues regarding Lyncstar cable franchise.
39. Discuss *Ethel Spiller, et al. v. Robert M. Walker, et al* Cause No. A 98 CA 255 SS, in the United States District Court for Western District of Texas. (This litigation involves plaintiffs' request for an environmental study of the Longhorn Pipeline Project.)
Postponed indefinitely.
40. Discuss legal issues concerning proposed legislation in the 76th Legislature

41. Discuss *Kirk Anderson, Trustee V. City Of Austin*, Cause No. 98-11862, in the 201st Judicial District Court of Travis County, Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
42. Discuss *FM Properties Operating Co. v. City of Austin*, Cause No 98-0685, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)

ACTION ON THE FOLLOWING

43. Consider settlement proposal in *Ethel Spiller, et al. v. Robert M. Walker, et al.*, Cause No. A 98 CA 255 SS, in the United States District Court for Western District of Texas. (This litigation involves plaintiffs' request for an environmental study of the Longhorn Pipeline Project.)
Postponed indefinitely.

44. APPOINTMENTS

Airport Advisory Board – DANIEL AKINS (REAPPOINTMENT, COUNCIL MEMBER GRIFFITH), BOB BINDER (REAPPOINTMENT, CONSENSUS), DIANA CASTANEDA (REAPPOINTMENT, COUNCIL MEMBER SPELMAN), LEONARD LYONS (REAPPOINTMENT, COUNCIL MEMBER LEWIS), WILLIAM MARTIN (REAPPOINTMENT, MAYOR PRO TEM GOODMAN), HANNAH RIDDERING (REAPPOINTMENT, COUNCIL MEMBER SLUSHER), AND JOSEPH TROCHTA (REAPPOINTMENT, CONSENSUS).

Animal Advisory Commission – LORRAINE ADAMS (REAPPOINTMENT, MAYOR WATSON).

Board of Adjustment – HANS HERMAN-THUN (REAPPOINTMENT, CONSENSUS) AND LEANE HELDENFELS (ALTERNATE, CONSENSUS) .

Design Commission – JANET SEIBERT (REAPPOINTMENT, MAYOR PRO TEM GOODMAN).

EMS Quality Assurance Team – DR. PATRICK CROCKER (REAPPOINTMENT, CONSENSUS), DR. JEFFREY RUBIN (REAPPOINTMENT, MAYOR PRO TEM GOODMAN), AND DR. ROBERT TATE (REAPPOINTMENT, CONSENSUS).

Ethics Review Commission – JESUS VASQUEZ (CONFIRMATION, COUNCIL MEMBER GARCIA).

Federally Qualified Health Center Board – ROSE LANCASTER (REAPPOINTMENT, CONSENSUS), JOHN MAYO (REAPPOINTMENT, CONSENSUS), JULIA MITCHELL (REAPPOINTMENT, CONSENSUS) AND GLENDA PARKS (REAPPOINTMENT, CONSENSUS).

Human Rights Commission – SALLY MCINTOSH (REAPPOINTMENT, MAYOR PRO TEM GOODMAN) AND DR. LORIE OCHOA (REAPPOINTMENT, COUNCIL MEMBER GRIFFITH).

Impact Fee Advisory Committee – WILLIAM MOORE (REAPPOINTMENT, CONSENSUS).

Library Commission – MIMI MARTINEZ MCKAY (COUNCIL MEMBER SPELMAN).

Mayor's Committee People w/Disabilities – RON LUCEY (REAPPOINTMENT, MAYOR WATSON), LAURA HAM (MAYOR WATSON) AND MICHAEL VON HATTEN (MAYOR WATSON).

MBE/WBE Advisory Committee – MARTIN GARZA (TRADE ASSOCIATION REPRESENTATIVE, CONSENSUS).

Mechanical, Plumbing & Solar Board – BERTIS WARD (MASTER PLUMBER, CONSENSUS).

Renaissance Market Commission – KAREN SASSER (CONSENSUS).

Telecommunications Commission – CHRISTOPHER GAMBLE (CONSENSUS).

Urban Transportation Commission – MICHELLE BRINKMAN (MAYOR PRO TEM GOODMAN) AND PATRICK GOETZ (CONSENSUS)

Water & Wastewater Commission – AIDA BERDUO DOUGLAS (COUNCIL MEMBER SPELMAN)
Resolution No. 990211-44 approved on Council Member Spelman's motion, Council Member Lewis'
second, 6-0 vote. Mayor Watson was absent.

Adjourned at 9:55 p.m. on Council Member Garcia's motion, Council Member Slusher's second, 6-0 vote.
Mayor Watson was absent.

Approved on this the 25th day of February, 1999 on Mayor Pro Tem Goodman's motion, Council Member
Griffith's second by a 7-0 vote.